

# **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CISCO SYSTEMS, INC., )  
Plaintiff, )  
vs. ) Case No.  
ARISTA NETWORKS, INC., ) 5:14-cv-05344-BLF (PSG)  
Defendant. )  
\_\_\_\_\_)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KEVIN C. ALMEROTH  
San Francisco, California  
Monday, November 23, 2015  
Volume I

Reported by:

CARLA SOARES

CSR No. 5908

Job No. 2189099

Pages 1 - 145

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Defendant. )  
\_\_\_\_\_)

VIDEOTAPED DEPOSITION OF KEVIN

C. ALMEROTH, Volume I, taken on behalf of Defendant,  
at 633 Battery Street, San Francisco, California,  
beginning at 9:23 a.m., and ending at 1:41 p.m., on  
Monday, November 23, 2015, before CARLA SOARES,  
Certified Shorthand Reporter No. 5908.

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22 ALSO PRESENT:

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WITNESS

KEVIN C. ALMEROOTH

EXAMINATION

Volume I

BY MR. SILBERT

7

EXHIBITS

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San Francisco, California

Monday, November 23, 2015

9:23 a.m.

P R O C E E D I N G S

08:28:35

THE VIDEO OPERATOR: Good morning. We're on the record. The time is 9:23 a.m., and the date is November 23rd, 2015. This begins the videotaped deposition of Kevin C. Almeroth.

My name is Sean Grant, here with our court reporter, Carla Soares. We're here from Veritext Legal Solutions at the request of counsel for defendant.

09:23:36

This deposition is being held at Keker & Van Nest LLP in San Francisco, California. The caption of this case is Cisco Systems, Inc., versus Arista Networks, Inc., Case No. 5:14-cv-05344-BLF.

09:23:46

Please note that audio- and video-recording will take place unless all parties have agreed to go off the record. Microphones are sensitive and may pick up whispers, private conversations, or cellular interference.

09:24:06

At this time, will counsel please identify themselves and state whom they represent.

MR. SILBERT: David Silbert from Keker

09:24:17

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1 input and output of the black box," correct? 13:07:54

2 A Yes.

3 Q So for a command to be an abstraction of a  
4 tool's specific command, does it need to suppress  
5 specific details about how the tool's specific 13:08:05  
6 command is implemented?

7 A That would be one example of how you can  
8 provide an abstraction.

9 Q What are other ways that you could provide  
10 an abstraction? 13:08:14

11 A You can provide an abstraction that makes  
12 a command more understandable and is more  
13 understandable as compared to the commands that are  
14 used with a specific management program.

15 So part of the motivation that's described 13:08:36  
16 in the background of the '526 is the idea that in  
17 some instances, the user interface is terse or not  
18 particularly user friendly, and so you can provide  
19 an abstraction over those commands by providing  
20 commands that are more consistent or user friendly, 13:08:53  
21 especially if they are something that can be used  
22 across one or more management programs.

23 Q Do you have the '526 patent in front of  
24 you, Exhibit 26?

25 A Yes. 13:09:14

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1 Q Would you look, please, at columns 5 and 13:09:21  
2 6? This is appendix part A of the patent.  
3 A Yes.  
4 Q Do you see this table that has the column  
5 "Functional Item" on the left, and then "New Syntax" 13:09:31  
6 in the middle, and "Old Command Line/Syntax" on the  
7 right?  
8 A Yes.  
9 Q Do you understand that the "New Syntax"  
10 column in this table is supposed to represent 13:09:42  
11 generic commands?  
12 A I'm trying to see where it talks about  
13 Appendix A.  
14 The short answer is I don't recall  
15 specifically what it says about the appendix so I 13:10:25  
16 need to double-check. If there's some place you  
17 want to point me to, I can look at that.  
18 Q Okay. Well, that's okay. If you can look  
19 at the appendix, take -- for example, about a  
20 quarter of the way down in the middle column under 13:10:51  
21 "New Syntax," it says, "Watch H323 entries."  
22 Do you see that?  
23 A Yes.  
24 Q And then to the right of that under the  
25 "Old Command Line/Syntax," it says, "H323 view." 13:11:04

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1 Do you see that? 13:11:12

2 A I do.

3 Q Which one of those in your mind is a  
4 generic command?

5 A I have to see what the specification is 13:11:19  
6 describing as to what the table is.

7 Q Can you tell the answer without reading  
8 the specification?

9 I mean, if you just look at those two  
10 commands, are you able to tell which one is a 13:11:32  
11 generic command?

12 A Without context, just looking at the  
13 commands by themselves doesn't necessarily tell you  
14 what's generic versus not.

15 The idea that you have new syntax versus 13:11:52  
16 old command line/syntax would suggest that the new  
17 syntax is potentially more of a generic command.

18 But again, in some instances, it's helpful  
19 to look at the basis for where the new syntax came  
20 from. Maybe, maybe not. But that's -- 13:12:13  
21 understanding the context is potentially  
22 informative, which is why I was looking for that in  
23 the specification.

24 Q Okay. But is it possible that both of  
25 those commands that I pointed to, "Watch H323 13:12:30

1 Do you see that? 13:35:16

2 A I do.

3 Q And so your testimony is, in the case of

4 traversing a tree, at least, the definition here is

5 one way to implement recursion but not the only way 13:35:28

6 to implement recursion?

7 A That's correct.

8 MR. SILBERT: Okay. Let's take a short

9 break. I think maybe we're finished.

10 THE VIDEO OPERATOR: Going off the record, 13:35:50

11 the time is 1:36 p.m.

12 (Recess 1:36 p.m. - 1:40 p.m.)

13 THE VIDEO OPERATOR: Back on the record.

14 The time is 1:40 p.m.

15 MR. SILBERT: Dr. Almeroth, thank you very 13:40:40

16 much for your time. Pending any redirect by your

17 counsel, I have no further questions at this time.

18 MR. TUNG: I just want to reserve the

19 right under the Federal Rules to submit errata.

20 I have no questions. 13:40:52

21 THE VIDEO OPERATOR: This concludes the

22 videotaped deposition of Dr. Kevin Almeroth. We're

23 off the record at 1:41 p.m. Thank you.

24 (TIME NOTED: 1:41 p.m.)

25 --oOo-- 13:40:59

1 I, KEVIN C. ALMEROTH, do hereby declare  
2 under penalty of perjury that I have read the  
3 foregoing transcript; that I have made any  
4 corrections as appear noted, in ink, initialed by  
5 me, or attached hereto; that my testimony as  
6 contained herein, as corrected, is true and correct.

7 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
8 2015, at \_\_\_\_\_, \_\_\_\_\_.  
9 (City) (State)

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14 KEVIN C. ALMEROTH  
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1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing transcript is  
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [x] was [ ] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: 12/3/2015

23 

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